

1 JUDGE HILLIARD: On behalf of the Illinois
2 Commerce Commission, I call Docket No. 03-0195,
3 Charles E. Larson and Sons, Inc., versus Peoples
4 Gas, Light and Coke Company.

5 Can the parties identify themselves for
6 the record, please.

7 MR. KELLY: Henry Kelly with O'Keefe, Ashenden,
8 Lyons and Ward, appearing on behalf of Charles E.
9 Larson and Sons.

10 MR. MC CARTHY: Brian McCarthy appearing on
11 behalf of Respondent, the Peoples Gas, Light and
12 Coke Company, 130 East Randolph Drive, Chicago,
13 Illinois 60601.

14 JUDGE HILLIARD: Okay. Counsel, you indicated
15 you want the Company to file an answer.

16 Could you elaborate on that?

17 MR. KELLY: Yes, your Honor.

18 We filed a complaint under the rules.
19 If the complaint states a cause of action, based on
20 your order, the party -- the respondent then has 21
21 days to file an answer.

22 And we would ask that the Judge -- that

1 your Honor require Peoples Gas to file an answer to
2 the complaint.

3 It's our belief that the answer to the
4 complaint will help narrow the issues to be
5 litigated to the extent that they make certain
6 admissions or denials with respect to the
7 allegations of the complaint.

8 JUDGE HILLIARD: Do you have a response to
9 that?

10 MR. MC CARTHY: I'm sorry. I'm thinking of
11 something else.

12 Could you repeat what you were just
13 saying?

14 MR. KELLY: Could you read back -- no.

15 We just think that the answer will
16 further the litigation by helping to narrow the
17 issues.

18 Based on the allegations of the
19 complaint, if they admit or deny certain
20 allegations, we can focus our discovery requests
21 and such and those admissions.

22 MR. MC CARTHY: Yeah, and I don't disagree with

1 that. So I think that could be true, but then that
2 argues for not doing discovery until the answer's
3 in and the parties have had some time to digest it,
4 you know, to keep it narrow.

5 JUDGE HILLIARD: Well, I don't know if that's
6 the case. He's indicated he thinks he's got a
7 basis for some initial discovery requests.

8 MR. MC CARTHY: Okay.

9 JUDGE HILLIARD: I take it you don't have an
10 objection to filing an answer?

11 MR. MC CARTHY: No.

12 JUDGE HILLIARD: All right.

13 All right. Then I'll order the Company
14 to file an answer within the time limit allowed by
15 the rules. And on the representation that I've
16 made off the record that the Complainant has some
17 initial discovery that he'd like to get under way,
18 why don't we give him a chance to do this and then
19 give the Company a chance to respond.

20 And if you have discovery you'd like to
21 get out at this stage, that's fine and we can
22 reconvene, say, in six weeks.

1 Maybe --

2 MR. KELLY: Six weeks, I think, would be

3 June 3rd.

4 JUDGE HILLIARD: We could do June 3rd,

5 June 5th. Maybe June 5th. Then we don't have to

6 worry about the Commission having a meeting at the

7 time I have to be there.

8 Is that all right, June 5th?

9 MR. KELLY: Yes.

10 JUDGE HILLIARD: June 5th, say, at 11:00

11 o'clock?

12 MR. MC CARTHY: Yes, I think that's -- is that

13 a Thursday?

14 JUDGE HILLIARD: Yes, it is.

15 MR. MC CARTHY: That's okay.

16 JUDGE HILLIARD: All right. Okay. Then we're

17 done.

18 (Whereupon, said hearing was

19 continued to June 5, 2003

20 at 11:00 a.m.)

21

22

03-0195

State of Illinois
ILLINOIS COMMERCE COMMISSION

(To be filed with the Chief Clerk)

MINUTES

Chicago, Illinois
April 22, 2003

CASE NO. 03-0195

SUBJECT: CHARLES E. LARSON AND SONS, INC., v. THE
PEOPLES GAS, LIGHT AND COKE COMPANY

Complaint pursuant to 10-108 of the
Public Utilities Act.

HEARD BY: TERENCE HILLIARD, ALJ

APPEARANCES:

O'KEEFE, ASHENDEN, LYONS & WARD, MR. HENRY
KELLY, 30 North LaSalle Street, Suite 4100
Chicago, Illinois 60602
Appearing for the Complainant;

MR. BRIAN MC CARTHY, 130 East Randolph Drive,
23rd Floor, Chicago, Illinois 60601
Appearing for the Respondent.

DISPOSITION: Cont'd to June 5, 2003 @ 11:00 a.m.

EXHIBITS FILED: None

REPORTED BY: Sullivan Reporting Company,
Steven T. Stefanik, CSR

REMARKS: Org to Comm 1 - 6 (6 Pages)